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LOOMIS ARMORED US, LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALEC LIGORRIA, on behalf of himself and all others similarly situated,

Plaintiff,

V.

LOOMIS ARMORED US, LLC, a Texas limited liability company; and DOES 1 through 50, inclusive,

Defendants.

Case No.

**DEFENDANT LOOMIS
ARMORED US, LLC'S NOTICE
TO FEDERAL COURT OF
REMOVAL OF CIVIL ACTION
FROM STATE COURT**

[28 U.S.C. §§ 1331, 1441(a) and (b) and 1446]

(Los Angeles Superior Court, Case No.
22STCV21516)

1 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE**
 2 **CENTRAL DISTRICT OF CALIFORNIA, AND TO PLAINTIFF AND HIS**
 3 **ATTORNEYS OF RECORD:**

4 PLEASE TAKE NOTICE that Defendant LOOMIS ARMORED US, LLC
 5 (“Defendant”) hereby removes this action brought by Plaintiff ALEC LIGORRIA
 6 (“Plaintiff”) (collectively, the “Parties”) in the California Superior Court, County of Los
 7 Angeles — with reservation of all defenses and rights — to the United States District
 8 Court for the Central District of California pursuant to 28 U.S.C. §§ 1331, 1441(a) and
 9 (b), and 1446.

10 **I. INTRODUCTION**

11 1. On July 1, 2022, Plaintiff Alec Ligorria filed a Complaint against
 12 Defendant in Los Angeles County Superior Court entitled “ALEC LIGORRIA, on
 13 behalf of himself and all others similarly situated v. LOOMIS ARMORED US, LLC, a
 14 Texas limited liability company; and DOES 1 through 50, inclusive,” Case No.
 15 22STCIV21516 (hereinafter the “State Court Action”).

16 **II. REMOVAL IS TIMELY**

17 2. This Notice of Removal is timely because Defendant is filing the
 18 Notice of Removal within 30 days from the date on which the Summons was deemed
 19 effectively served. *See Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S.
 20 344, 354 (1999). A true and correct copy of the Complaint, Summons, and all other
 21 process that have been served on Defendant to initiate the State Court Action is attached
 22 hereto as **Exhibit A**. Service on LOOMIS ARMORED US, LLC was completed on
 23 July 6, 2022. Proof of service was filed with Los Angeles County Superior Court on
 24 July 14, 2022. Thus, in accordance with 28 U.S.C. § 1446(b), Defendant is timely filing
 25 this Notice of Removal within 30 days of service.

1 **III. REMOVAL JURISDICTION BASED ON THE PRESENTATION OF A**
 2 **FEDERAL QUESTION**

3 3. Plaintiff's Complaint alleges violations of the federal Fair Credit
 4 Reporting Act, 15 U.S.C § 1681, *et seq.* ("FCRA"). Plaintiff contends that "Defendants
 5 routinely acquire consumer reports to conduct background checks on Plaintiff and other
 6 prospective, current, and former employees, and use information from consumer reports
 7 in connection with their hiring process without providing proper disclosures and
 8 without obtaining proper authorization in compliance with the law." (Complaint, ¶ 2.)
 9 Specifically, Plaintiff contends that "[t]he disclosures provided by Defendants
 10 contained extraneous and superfluous language that does not consist solely of the
 11 disclosure as required by the FCRA and/or is not clear and conspicuous. In violation
 12 of Section 1681b(b)(2)(A) of the FCRA, the following provisions of Defendant's
 13 disclosure documents contain extraneous information that violates the "solely"
 14 requirement of the FCRA . . ." (Complaint, ¶¶ 21-22.) Plaintiff further alleges that "the
 15 inclusion of the extraneous provisions causes the disclosure to fail to be "clear and
 16 conspicuous" and "clear and accurate," and thus allegedly violates Sections
 17 1681b(b)(2)(A) and 1681d(a)." (Complaint, ¶ 23.) Plaintiff therefore alleges one cause
 18 of action for "Failure to Make Proper Disclosure In Violation of the FCRA," 15 U.S.C.
 19 § 1681b(b)(2)(A). (Complaint, ¶¶ 24-36.) Thus, the State Court Action is removable to
 20 this Court because it has original jurisdiction over the federal questions presented by
 21 Plaintiff's Complaint pursuant to 28 U.S.C. §§ 1331 and 1441(a).

22 4. By filing the Notice of Removal, Defendant does not waive any
 23 objections it may have as to service, jurisdiction, venue, or any other defenses available
 24 at law, in equity or otherwise, including but not limited to its contention that Plaintiff is
 25 bound to arbitrate. Defendant intends no admission of fact or law by this Notice and
 26 expressly reserves all defenses and motions.

1 **IV. VENUE IS PROPER**

2 5. The district and division embracing the place where the State Court
 3 Action is pending is the Los Angeles Division of this Court. *See* 28 U.S.C. §§ 84(a)
 4 and 1441(a).

5 **V. EXHIBITS**

6 7. Pursuant to 28 U.S.C. § 1446(a), the following are attached as
 7 Exhibits hereto: A copy of the Complaint, Summons, Civil Case Cover Sheet, Civil
 8 Case Cover Sheet Addendum and Statement of Location, Alternative Dispute
 9 Resolution Packet, Voluntary Efficient Litigation Stipulation Packet, First Amended
 10 Order Regarding Mandatory Electronic Filing, and Notice of Case Assignment –
 11 Unlimited Civil Case that have been served on Defendant to initiate the State Court
 12 Action is attached hereto as **Exhibit A**. A copy of the Proof of Service filed by Plaintiff
 13 with the Court reflecting service on Defendant on July 6, 2022, of the pleadings
 14 initiating the State Court Action is attached hereto as **Exhibit B**. A copy of the Superior
 15 Court's Notice of Case Reassignment and Order for Plaintiff to Give Notice, associated
 16 affidavit of mailing, and Plaintiff's Notice of Case Reassignment is attached hereto as
 17 **Exhibit C**. A copy of the Superior Court's Minute Order Regarding Newly Assigned
 18 Case, Initial Status Conference Order, affidavit of mailing and Plaintiff's Notice of
 19 Initial Status Conference and Order is attached hereto as **Exhibit D**. A copy of the
 20 Answer to the Complaint filed in the State Court Action August 5, 2022, is attached
 21 hereto as **Exhibit E**.

22 **VI. NOTICE TO PLAINTIFF AND STATE COURT**

23 8. Promptly after the filing of this Notice of Removal in this Court,
 24 written notice of such filing will be given by the undersigned to Plaintiff's counsel of
 25 record, and a copy of the Notice of Removal, including exhibits, will be filed with the
 26 Los Angeles County Superior Court Clerk, as required by 28 U.S.C. § 1446(d).

9. Counsel for Defendant has signed this Notice of Removal in compliance with the requirements of 28 U.S.C. § 1446(a) and Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, based on the foregoing, Defendant gives notice that it has removed to this Court the Action now pending in Los Angeles County Superior Court.

Dated: August 5, 2022

LITTLER MENDELSON, P.C.

/s/ Rod M. Fliegel
ROD M. FLIEGEL
JENNIFER A. GOLDBERG

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